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September 5, 2006

**BY E-FILE**

The Honorable Gregory M. Sleet  
U.S. District Court for the District of Delaware  
U.S. Courthouse  
844 N. King Street  
Lockbox 19  
Wilmington, DE 19801

Re: *Talecris Biotherapeutics, Inc., et al. v. Baxter Int'l Inc., et al.*,  
D. Del., C.A. No. 05-349-GMS

Dear Judge Sleet:

On September 2, 2006, pursuant to Section 5(a) of the Scheduling Order in the above-referenced action, counsel for Plaintiffs requested a discovery teleconference with the Court. In anticipation of that teleconference, scheduled for September 7, 2006 at 9:30 a.m. (EDT), the parties jointly submit the following items that they wish to present to the Court:

**Plaintiffs' Issues:**

- Improper assertion of privilege related to experiments correlating anticomplement activity to solvent/detergent treatment, including submissions to the European Patent Office and certain defenses in this litigation.
- Issues relating to the plant inspection.
- Deficiencies in Defendants' document production discovered during recent depositions, including in particular the following categories: financial and marketing, regulatory, and documents from Baxter's senior management.

The Honorable Gregory M. Sleet  
September 5, 2006  
Page 2

**Defendants' Issues:**

- Plaintiff's/Counterdefendants' deficient document production, including more specifically: all license agreements relevant to Plaintiff's claim for reasonable royalties; all critical technical documents, including data supporting the results shown in Tables 6 and 7 of the patent-in-suit, certain laboratory notebooks, and meeting minutes; all experimental data and notebooks supporting Alonso's 2000 Biologicals publication; all critical technical documents (such as the CMC section of a BLA/PLA, process flows, product specifications, etc.) for other immunoglobulin products sold by Plaintiffs using both a solvent/detergent step and an incubation step; all responsive marketing and financial documents.

Respectfully submitted,

*/s/ Jeffrey B. Bove*

JBB/JMM

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cc: Philip A. Rovner, Esquire (via e-mail)  
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